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THE UNITED STATES PATENT AND TRADEMARK OFFICE

MMB Docket No. 1671-0293

J & J Reference: **DEP5205USNP**

Group Art Unit: **3733**

In re patent application of: **Dietz et al.**

Examiner: **P. Philogene**

Serial No. **10/814,953**

Confirmation No. **8391**

Filing Date: **March 31, 2004**

For: **Telemetric Tibial Tray**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on  
April 16, 2008

(Date of Deposit)

John S. Wagley

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/ John S. Wagley /

Signature of person mailing Document or Fee

April 16, 2008

Date of Signature

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision set forth in the Official Action mailed January 16, 2008 in which the Examiner rejected claims 1, 2, and 8-18. The Examiner previously rejected claims 1-3 and 8-18 in a Official Action mailed July 26, 2007. The invention of the applicant has thus been twice rejected by the Examiner.

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510.00 QP

A check for \$510.00 is enclosed for the filing fee of a Notice of Appeal as required by 37 CFR § 1.17(b). Also, please provide any extensions of time which may be necessary and charge any fees which may be due to Deposit Account No. 13-0014, but not to include any payment of issue fees.

Respectfully submitted,

MAGINOT, MOORE & BECK LLP

/John S. Wagley/

John S. Wagley  
Attorney for Applicants  
Registration No. 36,043

April 16, 2008  
Maginot, Moore & Beck LLP  
Chase Tower  
111 Monument Circle, Suite 3250  
Indianapolis, Indiana 46204-5109  
(317) 638-2922 telephone  
(317) 638-2139 facsimile